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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,918	02/17/2004	Chuen-Jong Tseng	CU-3571 RJS	9027

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EXAMINER

HAWK, NOAH CHANDLER

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/779,918	TSENG, CHUEN-JONG	
	Examiner	Art Unit	
	Noah C. Hawk	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: the phrase "said second channel opening downwardly" should read "said second channel opens downwardly." Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - a. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being misdescriptive for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 5, the applicant recites the element "second top connection element" and "said first top connection element." It is unclear whether these two items are part of one element with two parts or two elements with one part each. The applicant must clarify the language used to describe the element(s) recited in the claim to more clearly describe the nature of these items.

Claim Rejections

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Zou in US Patent 6374843.

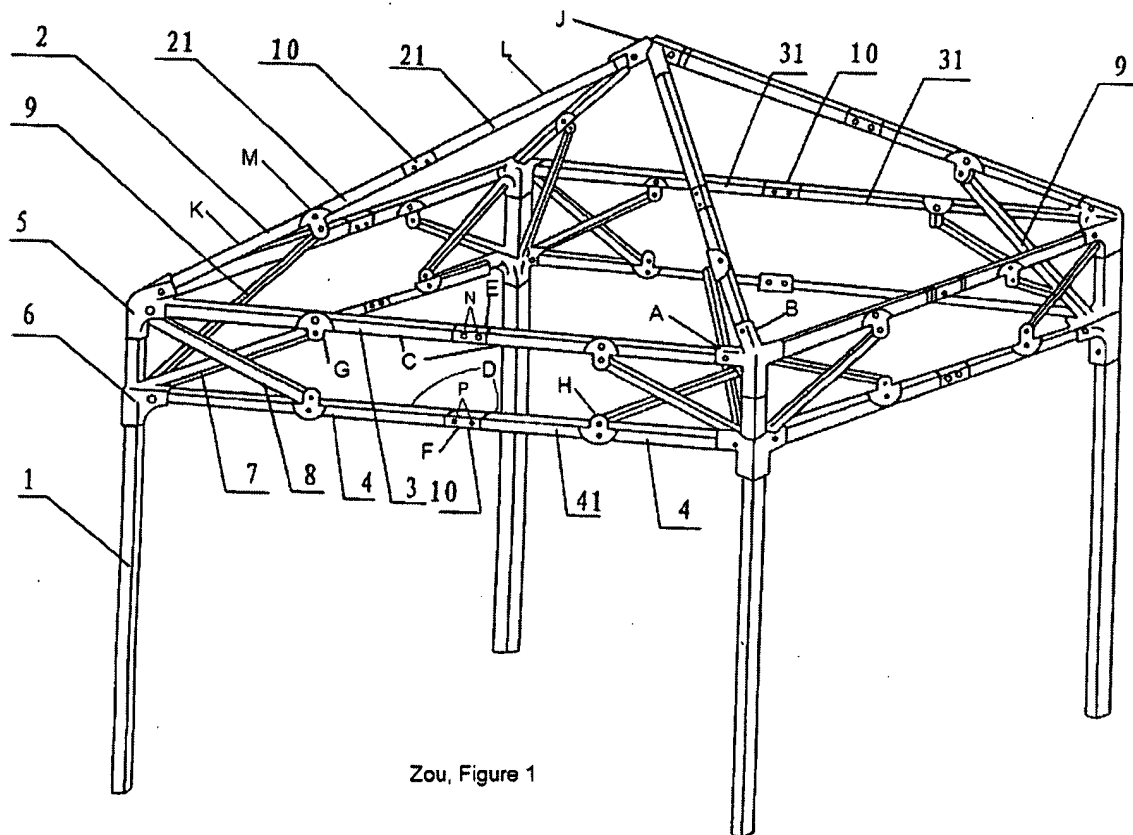
b. Regarding Claim 1, Zou discloses a tent frame assembly for mounting a canopy thereon, comprising:

- i. a leg unit including a plurality of upright posts (1) respectively having first top connection elements (5), and a plurality of sleeve units (6) sleeved slidably and respectively on said upright posts below said first top connection elements;
- ii. a plurality of link units, each of which includes two upper (3) and lower (4) foldable links disposed between an adjacent pair of said upright posts, said upper foldable link including two first link sections (C) respectively pivoted to said first top connection elements of said upright posts of the adjacent pair, and a first pivot unit (E) connected between said first link sections, said lower foldable link including two second link sections (D) respectively pivoted to said sleeve units of said upright posts of the adjacent pair, and a second pivot unit (F) connected between said second link sections;
- iii. a plurality of first struts (7), each of which has one end pivoted to a corresponding one of said sleeve units (best seen in

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Zou, Figure 3) and the other end pivoted to one of said first link sections (connected at pivot G);

iv. and a plurality of second struts (8), each of which has one end pivoted to a corresponding one of said first top connection elements (best seen in Zou, Figure 3) and the other end pivoted to one of said second link sections (connected at pivot H).



Zou, Figure 1

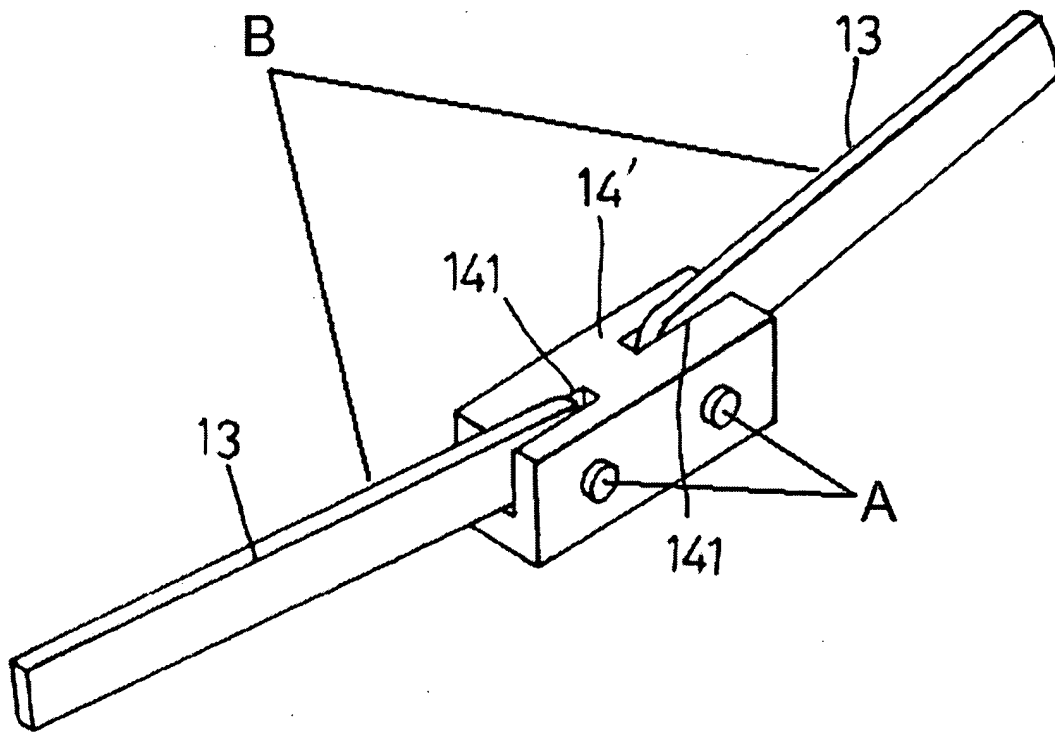
c. Regarding Claim 4, Zou discloses the tent frame assembly as claimed in Claim 1, further comprising a top support frame (comprising elements 2, 9 and J) connected pivotally to said leg unit.

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- d. Regarding Claim 5, Zou discloses the tent frame assembly as claimed in Claim 4, wherein each of said upright posts (1) further includes a second top connection element (B) which is angularly spaced apart from one of said first top connection elements (5), said top support frame including a topmost connecting unit (J), a plurality of first support rods (K) pivoted respectively to said second top connection elements of said upright posts, a plurality of second support rods (L) pivoted respectively to said first support rods and extending toward each other and pivoted to said topmost connecting unit (J), and a plurality of third struts (9) each having one end pivoted to a corresponding one of said sleeve units (best seen in Zou, Figure 3) and the other end pivoted to a corresponding one of said first support rods (M).
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as anticipated by Zou in US Patent 6374843 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zou in US Patent 6374843 in view of Tseng in US Patent 6112757.

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e. Regarding Claim 2, although it appears that Zou discloses the tent frame assembly as claimed in Claim 2, wherein said first pivot unit (E) has a U-shaped first channel (best seen in Zou, Figure 4), and two spaced apart pins (N) which pass through said first channel to pivot respectively said first link sections and said second pivot unit (F) having a U-shaped second channel, and two spaced apart pins (P) which pass through said second channel to pivot respectively said second link sections, Zou is silent on the exact shape of the pivot units. However, even if this were not the case, it would have been obvious to one of ordinary skill in the art at the time of invention to use U-shaped pivot units, this type of arrangement being shown by Tseng. Tseng teaches a pivot connection (14 and 14', best seen in Tseng, Figure 2) having a U-shaped first channel (141), and two spaced apart pins (A) which pass through said first channel to pivot respectively two link sections (B). Tseng further teaches a first pivot (14') with the channel facing upwardly when the links are to be folded upward with respect to the pivot and a second pivot (14) with the channel facing downwardly when the links are to be folded downward with respect to the pivot. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Zou by specifically using U-shaped pivots as taught by Tseng in order to allow the first and second links to pivot in the correct directions.



Tseng, Figure 2

f. Regarding Claim 3, although it appears that Zou discloses the tent frame assembly as claimed in Claim 3, wherein said first channel opens upwardly, and said second channel opening downwardly, Zou is silent on the direction of the directions of the opening of the channels. It is inherent in the operation of Zou's device that the first channel must open upwardly (to permit the first links to fold downwardly) and that the second channel must open downwardly (to permit the second links to fold upwardly). However, even if this were not the case, Tseng does teach this configuration. It would have been obvious to one of ordinary skill in the art at the time of invention to use an upwardly opening first channel and a

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downwardly opening second channel such as is taught by Tseng in order to permit the device of Zou to work properly.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carter in US Patent 6470902 discloses a retaining pin in the sleeve of a tent assembly. Carter in US Patents 5934301, 6070604, and 6230729, Liu, Losi, Jr. et al., Lynch, and Rhee disclose tent frame assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867.

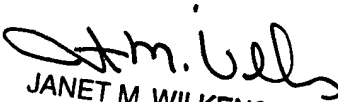
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NCH

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JANET M. WILKENS
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